

REMARKS

After entry of this Amendment, claims 1-20 are pending in the application. Claims 1, 3, 9, 10, 18 and 19 have been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention. Reconsideration of the application as amended is requested.

In the Office Action dated February 15, 2005, the Examiner indicated that the Office Action was made final. However, in the previous Office Action the Examiner had indicated that claims 10-18 were allowed and in the Office Action dated February 15, 2005, the Examiner rejected claims 10, 11, 15 and 16 for the first time. Claims 10, 11, 15, and 16 were not amended and were in the original form previously allowed. Therefore, withdrawal of the finality of the Office Action dated February 15, 2005 is requested.

Claims 1-20 stand objected to by the Examiner because all independent claims include a clause reciting the angled member being engagable with a vertical surface, and the Examiner suggested using the phrase "adapted to be engaged" to clarify that the surface is not considered a positive element of the invention sought to be patented. It is submitted that all independent claims have been amended adopting the suggestion of the Examiner. Reconsideration of the Examiner's objection to claims 1-20 is requested.

Claims 1, 2, 10, 11, 19, and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Meyer (U.S. Patent No. 5,381,738). It is submitted that claims 1 has been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claim 1 now recites that enlarged portions are integrally formed as one piece with the angled member adjacent each outer end of the first and second elongate portions of the angled member. The Meyer '738 reference does not anticipate, teach or suggest this specific structural configuration, since the brackets 46, 48 are formed separately and movable along the first and second upper linkage bars 14, 16, while lower brackets 50, 52 are separate and movable with respect to support members 22, 40 with linkage bars 18, 20 extending between the corresponding brackets 46, 48, 50, 52. With respect to claim 10, the Meyer '738 reference does not anticipate, teach or suggest each of the first and second elongate portions having an enlarged portion adjacent an outer end with opposing apertures formed therein. As previously indicated, the

brackets 46, 48, 50, 52 are separate and independent of the linkage bars 18, 20 and support members 22, 24 in the Meyer '738 reference. Therefore, the structure disclosed in Meyers does not anticipate, teach or suggest the support members 22, 24 or linkage bars 14, 16 having enlarged portions. In fact, adding enlarged portions to the linkage bars 14, 16 or support members 22, 24 would impede the movability of the brackets 46, 48, 50, 52 and make the Meyer '738 reference non-functional. With respect to claim 19, the Meyer '738 reference does not anticipate, teach or suggest self-interlocking complementary surfaces formed on each longitudinal end of the cross brace and each corresponding releasable attachment location of the first and second elongate portions of the angled member. The bolt 120 configuration disclosed in the Meyer '738 reference does not meet the structural limitation as recited in the claim of self-interlocking complementary surfaces formed on each longitudinal end of the cross brace and each corresponding releasable attachment location of the angled member. Reconsideration of the Examiner's rejection of claims 1, 2, 10, 11, 19, and 20 is requested.

Claims 7 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Meyer. The Examiner asserts that the surface of the cross brace member of Meyer can receive any type of indicia for aesthetics, or advertisements. It is submitted that the Meyer reference does not anticipate, teach or suggest the addition of any type of indicia along the cross brace member length. Accordingly, the Examiner is requested to cite a reference to support the Examiner's assertion that the Meyer reference meets the limitations of the recitation that the cross brace includes ornamental indicia formed thereon relating to one of a holiday, a special occasion, a collegiate logo, or a professional team logo as recited in claims 7 and 15. Reconsideration of the Examiner's rejection is requested.

Claims 8 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Meyer in view of Kluge (U.S. Patent No. 6,053,465). The Examiner asserts that it would have been obvious to one skilled in the art at the time the invention was made to have provided the bracket shown by Meyer with a hook on the cross brace as shown by Kluge to support an item from the cross brace and the improved utility of the device. It is submitted that the addition of Kluge to the disclosure of Meyer does not overcome the deficiencies of Meyer discussed in greater detail above as if restated here in their entirety. In particular, the Kluge

reference discloses an angled brace 27 formed by re-entrantly bending one end of the strap 21, indicated at 28, to angularly align brace 27 to extend between the lower end of leg 26 and the outer end of leg 25 so that the bracket comprises a single piece metal strap 21 which is folded to provide to equal length, right angularly related linear legs 25 and 26. Therefore, the cross brace defined in Kluge is not interchangeable as required by the claim language of the present application. Further, the cross brace does not define a hook for supportingly hanging another article. Rather, Kluge discloses forming a separate stamped metal hook member 46, a pair of elongate rivets 55 extend through body 47, flange 54 and the two spread arms 39 of brace 27, and rivets 55 have their outer ends upset outboard a flange 54 to positively fix the hook member 46 to the angle brace 27. Reconsideration of the Examiner's rejection of claims 8 and 16 is requested.

Claims 3-6, 9, 12-14, and 17 stand objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3 and 9 have been amended into independent form including all of the limitations of the base claim and any intervening claims. It is submitted that these amendments place claims 3-6 and 9 in suitable condition for allowance; notice of which is requested. Claim 18 has been allowed.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can

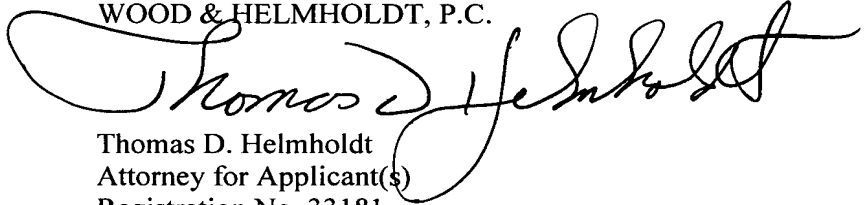
Date: May 16, 2005

Office Action dated: February 15, 2005

be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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A large, stylized handwritten signature in black ink, which appears to read "Thomas D. Helmholdt". The signature is written over the printed name and title of the attorney.

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